

FILED 06 FEB 17 13:29 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD ERNEST ALLEE,

CV. 05-978-HU

Petitioner,

ORDER

v.

JEAN HILL,

Respondent.

MARSH, Judge

Petitioner, an inmate at the Snake River Correctional Institution, brings this habeas corpus proceeding pursuant to 28 U.S.C. § 2254. Petitioner seeks to challenge the constitutionality of his 1995 conviction for sodomy, unlawful sexual penetration, unlawful sexual display of a child, and sexual abuse.

Petitioner unsuccessfully challenged this same conviction in Allee v. Morrow, 02-6157-CO. Before a successive § 2254 petition may be filed in this court, petitioner must seek authorization from the Ninth Circuit Court of Appeals to file a successive petition. 28 U.S.C. § 2244(b)(3)(A). On July 15, 2005, the Ninth Circuit denied petitioner's application to file a successive petition.

Allee v. Hill, CA 05-73880. Consequently, this action must be dismissed.

CONCLUSION

Petitioner's habeas corpus petition (#2) is DENIED as successive, and this proceeding is DISMISSED, with prejudice.

IT IS SO ORDERED.

DATED this 15 day of February, 2006.

Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge